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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,746	07/24/2008	Melquisedec Francisquini	288/9-2229	2539

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EXAMINER

TEPERA, HIWOT E

ART UNIT

PAPER NUMBER

3637

NOTIFICATION DATE

DELIVERY MODE

02/28/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

wsapone@cssiplaw.com

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Office Action Summary

Application No.

10/574,746

Applicant(s)

FRANCISQUINI, MELQUISEDEC

Examiner

HIWOT TEFERA

Art Unit

3637

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-944)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/8/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Brazil on 10/08/2003. It is noted, however, that applicant has not filed a certified copy of the PI 0303969-2 application as required by applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(b).
2. There is a typo in the title of the invention. "Matallic" should be Metallic.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Some examples include, "normally manufactured", "outdoor type" "presented", "as well as other accessories, such as", and "other components, being that even with this selfsame structure". The phrases "may be", and "such as" renders the claim indefinite because the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. The term "may be" has been interpreted as "capable of". Moreover, "the external walls" in claim 1, "the tubular part" and "the said point" in claim 2, lacks antecedent basis. The same problem is repeated in claims 3, 4, 5, and 6.

5. Examiner suggests that the applicant substantively revise the claims using appropriate U.S. format for the construction of the claims. The claim should have a preamble, a transition verb (e.g., "comprising" or "the improvement comprising"), and a body which describes the functional and structural elements that make up the claimed invention recited in the preamble. Applicant can refer to the claims in prior art (US 6,123,400 to Nicolai et al), as an example to construct the claims in the appropriate U.S. format.

Specification

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order in upper case.

TITLE OF THE INVENTION.

CROSS-REFERENCE TO RELATED APPLICATIONS.

BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

BRIEF SUMMARY OF THE INVENTION.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

DETAILED DESCRIPTION OF THE INVENTION.

CLAIM OR CLAIMS (commencing on a separate sheet).

ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

It is recommended that applicant amend the sections of the specification to conform to U.S. practice.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4 and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nicolai et al (US 6,123,400).

Regarding claim 1, Nicolai shows a metallic structure for manufacturing electrical frames/cabinets (Fig.1, Col.6, lines 27-29), generically recommended for, indoor or outdoor type although in both cases it is presented in the form of a metallic box with side enclosures (63, Fig.7), including one or more tilting doors (72, Fig.8) with a lock (Column 2 lines 50-54); said enclosures include the doors, normally manufactured from substantially thin metallic plates and in this manner all electrical panels have an internal metallic cross sections structure (10, Fig.1), with the means for supporting the parts making up the external walls (64, Fig.7; Col.6 lines 1-3) from folded sheets, as well as constituting the means for supporting and mounting the doors and its respective hinges (76, Fig.8), as well as other accessories, such as: the upper and lower enclosure with a base (28, Fig.4; col. 6 line 10) and other components, being that even with this selfsame structure although on the inside also has a configuration for the necessary mounts for distributing and mounting the different electrical and electronic components and devices (col.4, 47-49) characterized by the fact of the first constructed version, the said structure is presented semi-assembled (Fig.2), where four of its uprights or four of its cross sections (30) are completely free whilst all the other cross sections (11, 12) are rigidly integrated into two equal rectangular frames (Fig.2) which form the two opposite sides of the said structure and therefore at the corner point of the junction of each rectangular

frame there is a complementary device (14) cooperating for the interlinking at 90° between two adjacent cross sections (11 and 12) and of each frame (Fig.2), as also this selfsame device presents the means so that the extremities of the other cross sections (30) may be coupled between the corners of the rectangular frames (Fig.2), thus forming the structure (Fig.1).

Regarding claim 4, Nicolai shows wherein a dowel (14) will be fitted geometrically equal to the previous ones but only with a threaded hole (14.1; Col.4 lines 26-27), as this dowel also presents a compatible dimensioning so that its lower end may penetrate the tubular part (31, Fig.2) of the cross section (30), whilst its upper point remains positioned between the ends of the other two cross sections (11 and 12), where the said dowel configures a joining knot between the three cross sections, being that this join is made by welds (col.3 lines 59-61; col.4 lines 7-10) applied to all the edges of the said cross sections, including those that are in contact with the referred to dowel.

Regarding claim 6, Nicolai shows at least one crossbeam (50, Fig.5) is positioned vertically between the other two vertical crossbeams (30), as all of them are equally equipped with different and cooperating openings (37, 59) to fit the grips (39.1, Fig.5) and the ends.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolai et al (US 6,123,400) in view of EP948916 A1.

Regarding claim 2, Nicolai shows complementary device (14) is made up of a square transversal section dowel (Fig.3, Col.3 line 66-67), is sized so that its lower end can penetrate in a tight fitting manner inside the tubular part of the cross sections (30), whilst its upper extremity, besides including a threaded hole (14.1, Col.4 lines 26-27), usually, in such a manner that the said point (at 20) and the two cross sections (11 and 12) may be joined by welding (col.4 lines 7-10), thus forming that substantially rigid rectangular frame (Fig.1) and at the same time, the four corners of each frame also have the configuration for the means of coupling to the cross sections (30). Nicolai does not show that the threaded hole on the cross section is oriented vertically and does not show another dowel fitted into the other cross section. EP948916 shows a vertically threaded hole (24) and shows two dowels (15,18), cross section (7, Fig.1) receives dowel (18) having one end (18b) fitted into the tubular part (16) of the cross section (7), where the said end (18b) is fastened by screws (Fig.2) in the side (paragraph 0022 lines 10-14; paragraph 0025 lines 24-28), whilst the other end presents a longitudinal threaded hole (24) and a self locking fitting from the top (20), in cooperation to be inserted into the other (23) existing on the side face of the other dowel (15), where there is a through hole, aligned with the said fittings and with a threaded hole (23) so that the two dowels can be joined with a screw (Paragraph 0027). It would have been obvious for one of ordinary skill in the art, to add another dowel in the other cross section such

as taught by EP948916, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art.

Regarding claim 3, the combination shows (EP948916 A1) the pre-fitting between two dowels (15,18) is carried out by an off center pin (21) which on the one end penetrates and is attached to a suitable hole (23) existing on the top of the dowel (15), whilst the other end penetrates equally in another existing guide hole (22) in the side of the dowel (18), in a way characterizing a pre-adjustment between the two parts before inserting the screw (Paragraph 0027), which penetrates into a threaded hole (24); it is a smooth hole (22,23) existing in the dowels (15,18).

9. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolai et al (US 6,123,400) in view of Benner et al (US 6,155,434).

Regarding claim 5, Nicolai shows at least one pair of internal crossbeams (40, Fig.3), folded from sheets, presenting a transversal section ordinarily in "U" (fig.3), its ends have wings (45) to be fastened down with screws (39.1, Fig.6) on the corresponding vertical cross sections (30) and for this end the said cross sections, have rows of different openings (37.1, Fig.6); said crossbeams (40) are positioned along any point of the height of the cross sections (30), logically on the same plane, that is, the one side is aligned with the opposite side and serves a complementary locking of the structure as well as serving, to mount the components to be installed inside the cabinet, nevertheless, these also confer a considerable increase to the unit's structural effect. Nicolai does not teach anchoring grips presented in the form of two "L" shaped teeth. Benner shows internal cross beams (50) with wings (53) with L-shaped teeth/shafts (56)

fitted to the wings, where the grip is presented in the form of two L-shaped teeth/shaft (56) that penetrate the corresponding openings (44). It would have been obvious to one of ordinary skill in the art to modify the cross beams of Nicolai, to include L-shaped teeth and shaft on the wings, as shown by Benner, for the expected benefit of easily and quickly assembling the internal cross beam at the place of use and further providing a more sturdy support that can easily lock and unlock from its place.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hartel, Simon et al, and Rosendale all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIWOT TEFERA whose telephone number is (571)270-3320. The examiner can normally be reached on M-F 8:30-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HIWOT TEFERA/

Examiner, Art Unit 3637

/Darnell M Jayne/

Supervisory Patent Examiner, Art Unit 3637